

REMARKS

Claims 1-9 and 13-20 have been canceled. Claims 10-12 and new claims 21-28 are still pending in the application.

In the office action mailed on August 11, 2004, the examiner rejected claims 10-12 under 35 U.S.C. § 102(b) as being anticipated by JP 2000-056358 Maruyama. The following quotation states the standard the examiner must meet to establish an anticipation rejection: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631; MPEP § 2131. For the following reasons, the examiner has failed to meet this standard.

Claim 10 is directed to a method for generating a multiple exposure in which a preview image (a yet-to-be-digitally-captured image of the current scene, usually low-frame-rate video) is superimposed over a previously captured background digital image. (As described in the specification at page 5, lines 17-23 and claimed in claim 12, the background digital image itself may be a composite digital image generated from a sequence of digital images captured in the same fashion. That is, the process of claim 10 may be repeated to form a multiple exposure made up of more than two digital images). When a digital image of the preview image is captured, it is automatically combined with the background digital image to form a multiple exposure. If the background digital image was itself a composite digital image (i.e., an intermediate multiple exposure), the newly captured digital image of the preview image is added to the multiple exposure. The method of claim 10 significantly aids the photographer in composing a multiple exposure. Page 5 of the specification describes this process.

Maruyama teaches generating a multiple exposure in a digital camera (as does Hamada), but Maruyama does not teach the limitation of superimposing a *preview* (not-yet-digitally-captured) image over a background digital image, as recited in claim 10. Forms of the word "superimpose" do occur in Maruyama at paragraphs [0010] and [0068], but that is in the context of superimposing data (a "frame number") over an image displayed on the "monitor display" (see Fig. 16 in Maruyama for an example of the frame numbers being

superimposed on the monitor display in the upper left corner). Since Maruyama does not teach all the limitations of claim 10, it cannot anticipate claim 10. Furthermore, since claims 11 and 12 depend from allowable claim 10, they are also allowable.

New independent apparatus claims 21 and 25 include limitations analogous to claim 10. None of the cited art, including Maruyama, discloses a digital camera comprising the elements recited in claims 21 and 25. Since claims 22-24 and 26-28 depend from allowable claims 21 and 25, respectively, they are also allowable. The specification contains ample support for all of the new claims.

This application is considered to be in condition for allowance, and reconsideration of the application is requested.

Respectfully submitted,

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